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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------------|
| 09/733,926 | 12/12/2000 | Kiyomi Sakamoto | 2000 1699A | 3794 |
| 7590 07/11/2008 WENDEROTH, LIND & PONACK, L.L.P. Suite 800 2033 K Street, N.W. Washington, DC 20006 | | | EXAMINER SAX, STEVEN PAUL | |
| | | | ART UNIT 2174 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/733,926

Applicant(s)

SAKAMOTO ET AL.

Examiner

Steven P. Sax

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date: _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This application has been examined.
2. The response filed 3/27/08 has been entered.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens et al (6463343) and Perkins et al (6106457).
5. Regarding claim 1, Emens et al show a command control device (abstract, Figure 2A, column 2 lines 1-7), including: an input section operable to provide an instruction based on input received from user (column 1 lines 55-65, column 2 lines 15 and 55-64), an output section operable to output a display screen that presents information to the user (column 2 lines 60-67, column 3 lines 1-11, column 4 lines 15-29), an image capture section operable to capture from the display screen a display

image that is to correspond to a particular command from the display screen (column 3 lines 25-45), a command control information generator operable to generate command control information including regarding the captured image and particular command (column 4 lines 20-35 and 47-62), a command control information storage operable to store the information (column 4 lines 60-67), a command presenter for making the output section present the captured image on the display screen based on the command control information stored so that the user can select via the input section the captured display image that correspond to the particular command (column 6 lines 5-15 and 25-55), and a command selector operable to execute the particular command when the user selects the captured display image that the command presenter causes the output section to present based on the stored command control information (column 6 lines 30-45). Emens et al do not go into the details that the selection of the captured display image by the user directly results in said command selector executing the single particular command, but do mention efficiently associating the captured image. Furthermore, Perkins et al do show selection of the captured display image by the user directly results in said command selector executing the single particular command, for efficient association of the captured image (abstract, Figures 38, 40, 41A, column 5 lines 1-18 and 35-57, column 6 lines 22-50, column 31 lines 35-55). It would have been obvious to a person with ordinary skill in the art to have this in Emans et al, because it would allow efficient association of the captured image. The Perkins reference thus brings out the single assigning of the captured image to be the command, in terms of selection, annotation, or analysis.

6. Regarding claim 2, the image capture section captures the image of an area selected by the user from the screen according to the instruction (Perkins et al column 4 lines 40-50).
7. Regarding claim 3, the image capture section automatically captures all or part of the display screen according to prescribed conditions while an application corresponding to the command is executed (Perkins et al column 4 lines 45-60).
8. Regarding claim 4, the conditions are based either on number of executions of the command (Perkins et al column 6 lines 5-15 and 30-43).
9. Regarding claim 5, the image is a moving picture varying with time (Perkins et al column 7 lines 10-15, column 5 lines 15-25).
10. Regarding claim 6, the system has a communication section for connecting to the Internet and an image is presented as a bookmark of a browser for presenting information communicated (Perkins et al column 7 lines 20-45).
11. Regarding claim 7, the image is a moving picture varying with time (Perkins et al column 7 lines 10-15, column 5 lines 15-25).

12. Regarding claim 8, image and a text list are used as bookmarks (Perkins et al column 7 lines 40-58).

13. Claims 9-16 show the same features as 1-8 respectively and are rejected for the same reasons.

14. Claim 17 shows the same features as claim 9 and is rejected for the same reasons.

15. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant remarks on Examiner's use of Perkins to teach that selection of the captured display image directly results in executing the single particular command. However, applicant then makes assumptions as to Examiner's position on how Perkins would deal with audio or annotation data. Please note though that this need not be the command in particular that Perkins is concerned with. Applicant's claim is broader in that it simply requires that selecting the captured image directly results in executing a particular, *non-described*, command. This is accomplished in Perkins as shown above in the aforecited passages; that is to say a particular command is in fact executed. The motivation is correct between Emens and Perkins in that both seek efficient association of the captured image, and thus the combination is proper.

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
